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**FEB 28 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Toru Sorimachi et al :  
Application No. 09/936,570 : **DECISION DISMISSING PETITION**  
Filed: December 6, 2001 : **UNDER 37 CFR 1.313(c)(2)**  
Attorney Docket No. 2565-0236P :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 26, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

Unfortunately, a decision on the petition under 37 CFR 1.313(c)(2) was not reached prior to the February 27, 2007 scheduled issue date of this application. As this case has now issued, the petition to withdraw from issue cannot be granted. The Office sincerely apologizes for any inconvenience this matter may have caused petitioner.

Petitioner's attention is directed to 37 CFR 1.313(d), which states:

A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**. (Emphasis added)

The request for continued examination (RCE) filed concurrently with the petition is improper in view of the issuance of this application into a patent and will not be processed. Accordingly, the \$790 RCE fee, as well as the \$130 petition fee, will be refunded to petitioner's deposit account.

The Information Disclosure Statement has been made of record in the file of the above-identified application without further consideration. See 37 CFR 1.97(i).

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

Frances Hicks  
Petitions Examiner  
Office of Petitions